

Sent: 12/12/2018 7:09:25 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Soscia, Mary Lou [Soscia.Marylou@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: WA Hydro Dams NPDES wkly update, 12/12

Significant issues since the last update are the likely delayed issuance of the Columbia River temperature TMDL, request by Riverkeeper for pre-draft permits from Ecology, and 401 extension requests and responses to Colville Tribe, ODEQ, and Ecology. Since we have not heard back from EPA HQ on 316(b), I will not be going out for public comment before the end of the year. If we hear by early January, then I will go out for public comment in mid-January 2019. I'm continuing to finalize the permit for public comment.

Lower Columbia and Lower Snake River Dams

1. Tribal Consultation.
 - a. Yakama Nation – Because of the stay in the Columbia River temp TMDL and the holidays, Yakama Nation asked for a tentative hold on Chris Hladick and Dan's calendars for a meeting with the Tribal Council on February 5, 2019. I completed the paperwork and submitted a request to the RA office with a cc: to the OWW front office to hold the date.
 - b. Umatilla Tribes (CTUIR) – no updates
2. Columbia River Temperature TMDL – Because of the likelihood that EPA will be appealing the TMDL court decision and that the TMDL will not be issued before the permits, we are going to back to our original plan to have permits with no temperature limits but comprehensive temperature monitoring. If the TMDL is issued, we will add temperature limits as previously planned. Because of the stay, we will
3. 401 Certifications - We received a request to extend Ecology's 401 certification until February 1, 2019 (45-day extension). We will be sending a letter that accepts this request. Because ODEQ also requested additional time for their 401(a)(2) determination letter, we will be aligning out responses to WA and OR. We expect to send these letters by the end of the week.
4. Columbia Riverkeeper public disclosure request to Ecology – Riverkeeper has requested EPA's pre-draft permits and fact sheets from Ecology. I let them Corps (among others) know about the public disclosure request, and their attorney would like to talk with Courtney about potentially receiving a copy of the pre-draft permit.
5. 316(b) and Dams – The Corps let me know that there will be an internal meeting among federal agency attorneys to discuss 316(b) on 12/13.
6. ESA Consultation – John talked with Ritchie Graves early last week(?). NOAA still plans to issue a revised by BiOp by the end of December 2018. They will be including some language covering the operations of the dam with some overlap with our permit actions. We will go back to the BE once we issue the permits for public comment.

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – We need to send a response letter to Colville Tribes' November 14, 2018 letter in response to our request for draft 401 certification. We planned to hold off until hearing word from EPA HQ on 316(b), but will respond this week. They requested information on our expected public notice date to help for their planning efforts to provide us with a draft 401 certification.
2. Tribal consultation – Yakama Nation indicated they were interested in the Grand Coulee Dam permit. I sent them the pre-draft permit and FS today, 12/3.
3. Columbia River Temperature TMDL – See below for update on TMDLs..
4. 316(b) and Dams – See above.
5. ESA Consultation – We have not drafted the BE for ESA consultation for the Grand Coulee Dam. We are waiting to hear from the Services on our approach on the Lower Columbia River and Lower Snake River dams and will apply the same approach.

Overall

1. Columbia River Temperature TMDL – The Columbia River temperature TMDL 60-day issuance was stayed on Friday, 11/30. Therefore, the TMDL won't be issued on December 17, but could be issued on or before December 31 if EPA appeals the case, or several months out, if it isn't. If we resolve the 316(b) issue, I would like to go to for public comment on the permits with the TMDL if it is issued on or before December 31, or in early January if it isn't. This impacts the temperature requirements in the permits and how we discuss it in the permit and FS. We are meeting internally to discuss more.
2. Internal communications – no updates
3. External communications – I've been talking externally on these permits with many entities to make sure everyone is informed. Here's a description of outreach with different groups:
 - a. Tribes – See above for communications with Yakama Nation and CTUIR.
 - b. Services – See above for John's communication with NOAA on ESA consultation and plans to update
 - c. Federal Caucus - no update
 - d. BOR – I will be talking with BOR on 12/20 and received more outfall information on 12/3.
 - e. US Army Corps – I spoke with the Corps and am in continued conversations with them on various aspects of the permit. I will be getting PCB information from them.
 - f. Columbia Riverkeeper – no update
 - g. Ecology – see above. I'm in regular communication with Ellie and will be incorporating her comments in the permits.
ODEQ – see above
 - h. BPA – no update

Jenny Wu
Environmental Engineer, NPDES Permits Unit
EPA Region 10
1200 6th Avenue, Suite 155 (OWW-191)
Seattle, WA 98101
206-553-6328